IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Bail Appl..No. 6024 of 2007()

CMP.5441/2007 of J.M.F.C.,MAVELIKKARA
CRIME NO.49/07 OF MAVELIKARA POLICE STATION

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: PETITIONER IST ACCUSED

SREEDHARAN,MANALODIKUNNEL VETTIL,
M.M.C.WARD NO.XVII,POONNARAMTHOTTAM MURI,
MAVELIKARA.

BY ADV. SRI.RINNY STEPHEN CHAMAPARAMPIL

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 6024 of 2007

Dated this the 4th day of October, 2007

ORDER

Application for regular bail. The petitioner is the 1st accused. Altogether, there are three accused persons. Accused No.2 has not been apprehended so far. Accused No.3 has already been arrested and enlarged on bail. The alleged incident took place on 6/2/07. The petitioner was arrested on 11/9/07. He continues in custody from that date. The accused persons face allegations for offences punishable, inter alia, under Sec.308 of the IPC. When the de facto complainant was proceeding from his house on a motor-cycle, he was allegedly attacked by the three accused persons in furtherance of their common intention. His motor-cycle was allegedly stolen also. This incident took place as a sequel to an earlier incident in which two friends of the de facto complainant who were going out of his house had got involved in a wordy altercation with the accused persons. Investigation

is not complete. As stated earlier, the 2nd accused has not been arrested so far.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Even going by the allegations, the petitioner is not the one who had allegedly wielded the weapon which resulted in the injury suffered by the victim. The petitioner, who has remained in custody from 11/9/07, may now be enlarged on bail, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. The 2nd accused has not been apprehended so far. The stolen motor-cycle has not been recovered also. In these circumstances, it is too early to consider the release of the petitioner on bail, submits the learned Public Prosecutor. At any rate, Investigator may be granted some further time to complete the investigation, prays the learned Public Prosecutor.

4. Having considered all the relevant inputs, I am satisfied that the petitioner, who has remained in custody from 11/9/07, can now be directed to be released on bail subject to appropriate terms and conditions. Some further time can be granted to the Investigator to complete the investigation.

5. **In the result:**

(a) This application is allowed. The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall not be released from custody on the strength of this order prior to 15/10/07. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(iii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

Sd/-

(R. BASANT, JUDGE)

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